

**PLANNING COMMISSION**  
**Minutes for Regular Meeting of**  
**January 6, 2010**

- PRESENT** Chairperson Carol Kooistra, Tom Thompson, Jan Deur, William Josephson, Brian Lernowich, Steve Nagengast and Susan Hertel.
- ALSO PRESENT** Zoning Administrator Sandel, Recording Secretary Garvey and 0 interested parties.
- CALL TO ORDER** Chairperson Kooistra called the January 6, 2010 meeting to order at 7:02 p.m. and led those in attendance in the Pledge of Allegiance.
- AGENDA** **Motion by William Josephson, second from Sue Hertel, *ADOPTED*, to accept the January 6, 2010 meeting agenda as written.**  
7 AYES
- MINUTES** **Motion by Jan Deur, second from Steve Nagengast, *ADOPTED*, to accept the December 2, 2009 regular meeting minutes and the December 11, 2009 special meeting minutes as written.**  
7 AYES

**PUBLIC COMMENT** - None

**PUBLIC HEARING** OPEN 7:11 p.m.

• **ARTICLE II – DEFINITIONS**

**SECTION 2.16** DEFINITIONS – O

ORDINARY HIGH WATER MARK

Creeks and Streams shall be defined as the line between upland and bottomland that persists through successive changes in the water level, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. Delineation of the ordinary high water mark on creeks and streams entails the identification of indicators on the bank of a creek or stream and the transition line between, aquatic vegetation (such as sedges and cattails) and terrestrial vegetation (perennial grasses and woody shrubs) or the scour line on exposed earth on the bank (from constant erosion) and terrestrial vegetation. On any creek or stream where the ordinary high water mark cannot be found, the top of the lowest bank on either side shall substitute. In braided channels, the ordinary high water mark or line of mean high water shall be measured so as to include the entire creek or stream feature.

**SECTION 2.19** DEFINITIONS – S

**STRUCTURE – SUPPLEMENTARY**

A non building structure including canopies, scales and the like.

**Motion by Sue Hertel, second from Steve Nagengast, *ADOPTED*, to recommend approval of language for Sections 2.16 and 2.19 as written above to the Township Board.**

7 AYES

• **ARTICLE III – GENERAL PROVISIONS**

**SECTION 3.18 FILLING OF LAND**

10. **All applicants are advised that if they change the grade of property, the change could cause increased water runoff to other nearby property, which could subject them to civil liability for any damage caused to nearby property as a result of the increased water runoff.**
11. **Up to three hundred (300) yards of clean fill sand or topsoil for the purpose of a septic system, driveway, or landscaping may be imported without a permit provided it is used immediately. Culverts will be placed at all natural drainage courses or other waterways as determined by the Zoning Administrator.**

**Motion by Sue Hertel, second from Tom Thompson, *ADOPTED*, to recommend approval of language for Section 3.18 as written above to the Township Board.**

**7 AYES**

**SECTION 3.23 NON-CONFORMING BUILDINGS, STRUCTURE AND USES**

**B. Expansion and Substitution of Nonconforming Buildings or Structures**

1. **Nonconforming uses including buildings and structures may be maintained and repaired to be kept in sound condition and may be restored or rebuilt provided, however, that the restored or rebuilt building or structure is on the original footings and foundations or on new footings and foundations constructed exactly where the footings and foundations of the nonconforming structure were located. A topographical survey prepared by a licensed surveyor shall be required for all lakefront non-conforming structures to assure proper grade elevations and placement.** Restoration or rebuilding is permitted whether the nonconforming building or structure is damaged by fire, wind, act of God, or other casualty or is demolished and regardless of the cost of such rebuilding or restoration.

**Motion by Jan Deur, second from Brian Lernowich, *ADOPTED*, to recommend approval of language for Section 3.23 (B) (1) as written above to the Township Board.**

**7 AYES**

**DISCUSSION**

Commissioner Thompson explains he is okay with the language, however, he does not feel the proposed amended language accomplishes what we want it to. It still does not address limitations for a structure being rebuilt. He believes we should look back at what the language was prior to March 2003 and discuss it. The Zoning Ordinance Review Committee agreed to review further.

**SECTION 3.32 DRIVEWAYS**

Each building site is to be serviced by a driveway. Driveways shall be constructed of gravel, concrete, asphalt, crushed limestone, crushed concrete, slag or other comparable material as may be approved by the township. All new driveways must have a cleared driving area throughout their entire length to a width of **not less than twenty feet and an unobstructed vertical clearance of not less than 13 feet 6 inches to be consistent with the current International Fire Code requirements as adopted by the Township Board.** Driveways shall not be closer than 80 feet to an intersection, except for exceptional circumstances as approved by the Fruitland Township Board or their designated representative and the Muskegon County

Road Commission. Except for building sites on private streets, an approved driveway permit must be obtained from the Muskegon County Road Commission (MCRC) and submitted to the Building Inspector prior to the issuance of a building permit.

**Motion by Steve Nagengast, second from Sue Hertel, *ADOPTED*, to recommend approval of language for Section 3.32 Driveways as written above to the Township Board.**

**5 AYES  
1 NAY  
(Thompson)  
1 ABSTAIN  
(Josephson)**

**DISCUSSION**

Some Commissioners believe the driveway requirement is more demanding than necessary.

- **ARTICLE IV – RURAL RESIDENTIAL DISTRICT  
SECTION 4.04 SITE DEVELOPMENT STANDARDS**
- **ARTICLE V – LOW DENSITY RESIDENTIAL DISTRICT  
SECTION 5.04 SITE DEVELOPMENT STANDARDS**
- **ARTICLE VI – MEDIUM DENSITY RESIDENTIAL DISTRICT  
SECTION 6.04 SITE DEVELOPMENT STANDARDS**
- **ARTICLE VIa – LAKE MICHIGAN SHORELINE DISTRICT  
SECTION 6.04a SITE DEVELOPMENT STANDARDS**
- **ARTICLE VII – MEDIUM HIGH DENSITY RESIDENTIAL DISTRICT  
SECTION 7.04 SITE DEVELOPMENT STANDARDS**
- **ARTICLE VIII – HIGH DENSITY RESIDENTIAL DISTRICT  
SECTION 8.04 SITE DEVELOPMENT STANDARDS**
- **ARTICLE VIIIa – INLAND LAKES DISTRICT  
SECTION 8.02a SITE DEVELOPMENT STANDARDS**
- **ARTICLE XI – NEIGHBORHOOD COMMERCIAL DISTRICT  
SECTION 11.04 SITE DEVELOPMENT STANDARDS**

Streams and, Creeks and Lakes	No buildings or septic tanks, tile fields or other similar waste facilities shall be permitted within one hundred (100) feet from the normal ordinary high water mark of any streams, and creeks, lakes or similar bodies of water. with the exception of lift stations or other similar devices. Also, no septic tanks, tile fields or similar waste facility shall be permitted within 100' from the normal ordinary high water mark of any, streams, creeks, lakes or similar bodies of water unless specifically mandated by the County Environmental Health Officer.
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**Motion by Sue Hertel, second from Jan Deur, *ADOPTED*, to recommend approval of language for Sections 4.04, 5.04, 6.04, 6.04a, 7.04, 8.04 8.02a and 11.04 as written above to the Township Board.**

**7 AYES**

- **ARTICLE XI – NEIGHBORHOOD COMMERCIAL DISTRICT**

**SECTION 11.04 SITE DEVELOPMENT STANDARDS**

Minimum front yard setback	100 feet <b>for buildings, 75 feet for supplementary structures other than buildings</b> – No parking shall be located within the first 15 feet of the front yard. The 15 foot setback shall be landscaped.
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**Motion by Jan Deur, second from Sue Hertel, ADOPTED, to recommend approval of language for Section 11.04 as written above to the Township Board.**

**7 AYES**

- **ARTICLE XIV – SPECIAL LAND USES**

**SECTION 14.04 SPECIAL LAND USE SPECIFIC REQUIREMENTS**

GG Vehicle service stations, excluding body shops

3. All buildings, structures, and equipment shall be located not less than fifty (50) feet ~~from any right-of-way line and not less than fifty (50) feet~~ from any side or rear lot line abutting a Residential District.

**Motion by Sue Hertel, second from Tom Thompson, ADOPTED, to recommend approval of language for Section 14.04 as written above to the Township Board.**

**7 AYES**

- **ARTICLE XX ADMINISTRATION AND ENFORCEMENT**

**SECTION 20.09 REMEDIES AND ENFORCMENT**

Any person, including an agent, in charge of any structure or land who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any provision of this Ordinance or any amendment thereof, shall be punishable by a fine of ~~up to~~ **not less than Seventy-Five (\$75) nor more than** Five Hundred Dollars (\$500), or imprisonment in the county jail for up to ninety (90) days, or both. Each day a violation continues shall be deemed to be a separate offense. In addition to criminal sanctions, the Township or any owner of real estate within the Township may institute an appropriate court proceeding to prevent, enjoin, abate or remove any violation of this Ordinance. ~~In addition to any other sanctions under,~~ **compel compliance with** this Ordinance, **or seek other equitable or injunctive relief.** Persons determined to be in violation of this Ordinance shall be required to reimburse the Township for its actual costs of prosecution, including court costs and reasonable attorney fees.

**Motion by Jan Deur, second from Brian Lernowich, ADOPTED, to recommend approval of language for Section 20.09 as written above to the Township Board.**

**7 AYES**

**PUBLIC HEARING CLOSED 7:36 p.m.**

**OLD BUSINESS**

1. Zoning Ordinance Review Committee.

The Zoning Ordinance Review Committee will continue to meet and will share proposed amended language as it becomes available.

2. Master Plan.

**Motion by Sue Hertel, second from William Josephson, *ADOPTED*,  
to set public hearing on the amended Master Plan for the February 3,  
2010 meeting.**

**7 AYES**

3. Review of the Township Guide to Planning and Zoning, Part 5, Chapters 14, 15 and 16.

Commissioner Josephson provided a summary of Part 5, Elements of Sound Zoning Decisions, Chapters 14 and 15. Chapter 14 has to do with the Reviewing Zoning Applications, and Chapter 15 has to do with Conducting a Public Hearing.

Commissioner Nagengast provided a summary of Chapter 16. Chapter 16 has to do with Making and Documenting Decisions.

**COMMISSIONERS COMMENTS**

Chairperson Kooistra advised that all but one of the 2009-2010 goals should be accomplished by March and that is the adoption of a zoning ordinance for the Duck Lake State Park. It has been addressed in the proposed amended Master Plan and work will continue on the creation of the zoning ordinance.

**ADJOURNMENT**

**Motion by Jan Deur, second from William Josephson, *ADOPTED*,  
to adjourn the January 6, 2010 regular meeting at 8:45 p.m.**

Respectfully Submitted,

Sally Garvey, Recording Secretary